

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

LARRY RAY HOLMAN,

Plaintiff,

v.

Case No. 04-C-0792

ELSA HORN, *et al.*,

Defendants.

LARRY RAY HOLMAN,

Plaintiff,

v.

Case No. 05-C-0009

DEANNA NAKADA, *et al.*,

Defendants.

ORDER

Plaintiff Larry Ray Holman has filed a notice of appeal of the court's Decision and Order of September 22, 2005, and the resulting judgment. He has also filed a "Motion for Issuance of Certification of Probable Cause for Appeal" (Docket #164). Although a certificate of appealability is required for an appeal from the denial of a petition for habeas corpus under 28 U.S.C. § 2254, there is no requirement for a certificate for probable cause in order to appeal from a dismissal of prisoner § 1983 case. Plaintiff is apparently confused. In order to appeal his § 1983 case, however, plaintiff is required either to pay the full filing fee for the appeal or seek leave to proceed on appeal

in forma pauperis. See 28 U.S.C. § 1915. To obtain leave to appeal without prepayment of the filing fee, plaintiff must submit both an affidavit, including a statement of assets showing that he is unable to pay the filing fee, and “a certified copy of his trust account statement (or the institutional equivalent) for the 6-month period immediately preceding the filing of the . . . notice of appeal.” Plaintiff has submitted neither. Accordingly, plaintiff’s motion is **DENIED**.

SO ORDERED.

Dated this 3rd day of October, 2005.

s/ William C. Griesbach

William C. Griesbach
United States District Judge